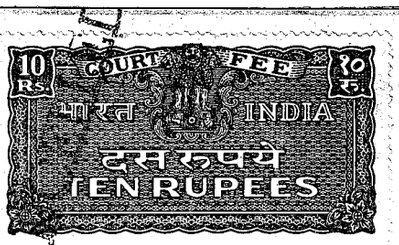

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

CR 241/03

MISCELLANEOUS APPEAL No. - 633 /2002

Amendment as per Court Order dt. 31/7/03. 5/8/03.

APPLICANTS

PETITIONERS/CLAIMANTS : **1. Manai Bai H/o Late Sita Ram Sahu** Age 39 Years

2. Mahesh Ram Sahu S/o Late Sita Ram Sahu Age 17 Years

3. Ganesh Ram Sahu S/o Late Sita Ram Sahu Age 15 Years
Petitioner/Claimants No. 2 and 3 Minor through his mother Manai Bai Pet/Cl-No. 1 All R/o Village – Mudhpar, P.S. Shivrinarayana Distt. Janjgir – Champa(C.G.) At present R/o Chingraj para , Bilaspur, Distt. Bilaspur (C.G.)

Attested

A.R.(O)

P.R. No. 1660/12 Presented by Shri A. Dhurve Adv. dated 5/8/03

VERSUS

RESPONDENTS/ N. A. : **1. Rameshwar Prasad Sahu** S/o Shri Dashrath Lal Sahu, Age About 22 years., R/o B.D Mahant Village Janjgir, Tehsil – Janjgir-Champa(C.G.)
(DRIVER OF VEHICLE NO:- MP-27-A/3282.)

2. L.P. Rathore S/o Shri D.R. Rathore

R/o Ajab Nagar Distt.-Sahguja At Present R/o BlockColony Janjgir Distt. Janjgir –Champa (C.G.)
(Owner of Vehicle-Scooter No. MP-27 –A/3282)

3. United India Insurance Company Ltd.

Branch office Indira Commercial Complex Korba Distt. Korba (C.G.) through the branch Manager United India Insurance Company Ltd. Office at Dayalband Bilaspur, Distt. Bilaspur (C.G.)
BILASPUR (C.G.)

CIVIL REVISION U/SEC. 115 C.P.C.

(2)
(4)

5/6/03

MISCELLANIOUS APPEAL U/SEC 173 OF THE MOTOR VEHICLE ACT OF 1988 AGAINST THE ORDER DT. 18.04.2002 PASSED BY THE SECOND M.A.C.T. BILASPUR (C.G.) IN CLAIM CASE NO. 21/2001.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(37)

आदेश पत्रक

मामला क्रमांक C.R. 241/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16/04/2004

On a mention being made, the matter is taken up.

Shri J.A. Lohani, counsel for the applicants

Shri Dashrath Gupta, counsel for the respondents.

The applicants have preferred this civil revision under Section 115 of the Code of Civil Procedure against the order dated 18/04/2002 passed by the IInd Motor Accident Claims Tribunal, Bilaspur, in Claim Case No 21/2001 whereby the applications of the applicants have been rejected for releasing the awarded amount in their favour.

Briefly stated facts for disposal of this civil revision are that the husband of the applicant no.1 and father of applicants no. 2 and 3 died in an accident, therefore, the applicants filed the claim before Vith Additional Motor Accident Claims Tribunal, Bilaspur and that claim case was registered at serial no.21/2001 and vide award dated 10/07/2001, the learned Tribunal passed an award in favour of the applicants to the tune of Rs. 1,85,000/- and out of that amount Rs.40,000/- was directed to be deposited in the joint account of the applicants for five years and remaining amount was directed to be deposited for in terms of five years in equal share in the names of the applicants.

I have heard learned counsel for the applicants and perused the awarded impugned order and application.

A perusal of the application shows that the applicants asked for release of the amount prematurely on the ground that the amount is required for purchasing the land and Rs. 50,000/- is required for opening the general merchandise shop. As far as the question of purchasing the agricultural land is concerned, the particulars of the agricultural land or person from whom

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(49)

आदेश पत्रक

मामला क्रमांक C.R.241/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

they are going to purchase, has not been mentioned. Therefore, a vague ground was raised for releasing the amount Similarly, the applicants No.2 and 3 are minors and it has not been mentioned that how the applicant no.1 will be able to run the general merchandise without any experience.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that the learned Tribunal has rejected the application on reasonable grounds and I do not find any illegality or infirmity in the impugned order. Therefore, the civil revision is dismissed.

In view of this order, I.A.No.1020/2004 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Rajni Sunita

[पीछे देखिये